

AMENDMENTS TO THE DRAWINGS

A new drawing sheet with FIG. 3 has been added.

REMARKS

This communication is in response to the Office Action mailed on May 6, 2005. In the Office Action, claims 1, 4-9 and 11-17 were pending, of which claims 8, 9, 11 and 14-17 were rejected. Further, it was indicated that claims 12 and 13 were objected to and claims 1 and 4-7 were allowed. With this Amendment, claims 1 and 11 have been amended to correct typographical errors and claims 8 and 17 have been cancelled. In addition, new claims 18-25 have been added.

On page 2 of the Office Action, the drawings were objected to stating that the presence of two separate embodiments of the invention with distinct logic flow requires a logic diagram illustrating a flow chart setting the logic of the multiple depression circuit and the depress and hold circuit to override the anti-pitch system. Applicant notes that a new sheet with FIG. 3 has been filed herewith distinctly representing said embodiments and respectfully request that the objection to the drawings be withdrawn.

Further on page 2 of the Office Action, claims 8 and 17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant notes that claims 8 and 17 have been cancelled herewith. In addition, new claim 18 has been added and substantially includes the features previously presented in claim 8. Based on the indication in Section 10 of the Office Action that claim 8 would be allowable if rewritten in independent form, Applicant respectfully submits that new claim 18 is presently allowable. Further, Applicant requests that the rejections under 35 U.S.C. §112, second paragraph, be withdrawn. Applicant notes that new dependent claims 19-25 include limitations that have previously been presented. In this manner, Applicant submits that said new

dependent claims are directed to subject matter previously presented. Claims 19-25 depend either directly or indirectly from independent claim 18 and therefore are believed to be in condition for allowance.

With regard to independent claim 9, Applicant notes that the Office Action Summary indicated that claim 9 was rejected. However, the Office Action did not directly address the grounds for the rejection. Notwithstanding, Applicant respectfully submits that claim 9 is neither taught nor suggested by the cited references. Claim 9 recites, in part, a method of controlling a roof assembly including the steps of providing a control comprising a control unit, moving a switch of said control to one of a set of at least three pre-selected positions, momentarily activating the control unit with a push-button function using an operation separate from moving the switch, and deactivating movement of said at least one of said roof members by depressing the switch.

Applicant notes that Weissrich et al. (U.S. Patent No. 5,749,617, hereinafter "Weissrich") discloses a motor vehicle roof controlled by a rotary switch. The roof panels are opened or closed to the desired position by rotating the switch to the desired position indicated by a graphic symbol. Rotation of the switch causes immediate movement of the roof panels. In addition, Weissrich discloses activating the vehicle roof in the switch operating ranges corresponding to complete opening or closing of the roof executed as a push button switch function. In this manner, the operator must keep the rotary switch depressed against a spring tension until the opening or closing process is completed in full. Premature release of the rotary switch leads to interruption of the opening or closing process (Col. 4, lines 21-28). On the other hand, Caye et al. (U.S. Patent No. 5,961,177, hereinafter "Caye") discloses a sunroof assembly operated using an electrical switch assembly (FIG. 4). The switch assembly includes

a rotary dial movable between sunroof-front, sunroof-both, sunroof-rear, etc. for selecting the desired operation of the roof assembly. It further includes a rocker switch for selecting between an open or a closed position.

Applicant respectfully submits that neither Weissrich nor Caye teach or suggest moving a switch to one of a set of at least three pre-selected positions corresponding to one of a set of pre-selected positions of the roof members and momentarily activating the control unit with a push button function that is activated by depressing the switch. For example, the push-button function taught in Weissrich is only utilized to move the roof assembly to two positions which correspond to a completely open and a completely closed roof assembly. Further, the rotary switch must be held against spring tension during such operation. In this matter, the movement cannot be deactivated during movement by depressing the switch as recited in claim 9. Similarly, Applicant notes that Caye also does not provide the method recited in claim 9. Caye instead teaches a switch for selecting the portion of the roof assembly to move and further does not disclose the activation and deactivation steps recited in claim 9. In view of the above remarks, Applicant respectfully submits that claim 9 is neither taught nor suggested by the cited references and is in allowable form.

On page 3 of the Office Action, claims 11 and 15-17 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Weissrich. Claim 11 recites, in part, a control element having a range of adjustment for the first operation thereof with at least three preselected positions wherein said control element is provided with a push button function integrated with the control element adapted to be actuated in a direction substantially perpendicular to the range of adjustment of the control element for a second operation separate from the first operation for activating the control unit to energize at least one of said drive

motors to move at least one of said roof members to the position corresponding to one of said preselected positions of said control element. As mentioned above, Weissrich does not disclose a switch having a push-button function for activating a control unit to move the roof members to a position corresponding to one of at least three pre-selection positions. Furthermore, the rotary switch 21 controls movement of the roof panels. Activation of the panels begins as soon as the switch is rotated. Fully opening or closing the roof panels is not performed by a push button perpendicular to rotation of the rotary switch. The full opening or closing is performed by rotating the rotary switch against spring tension in a direction of rotation of the switch. Toggle switch 23 integrated into switch 21 or knob 22 causes complete lowering or complete raising of roof window 9. (Column 4, lines 56-59). Thus, switch 23 has nothing to do with activating panels as in contrast to the features recited in claim 11. Accordingly, Applicant respectfully submits that claim 11 is neither taught nor suggested by Weissrich and is in allowable form. Further, Applicant submits that claims 15 and 16 are also allowable at least based on their relation to claim 11.

On page 4 of the Office Action, claims 11, 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Weissrich in view of Caye. As mentioned above, Applicant submits that claim 11 is neither taught nor suggested by Weissrich. Further, Applicant submits that the addition of Caye does not render claim 11 obvious. As mentioned above, Caye teaches a switch for selecting a portion of a roof assembly to move. It does not teach or suggest a control element having a range of adjustment thereof with at least three pre-selected positions and a push-button function for activating the control unit to move the roof members to a position corresponding to one of said pre-selected positions of the control element. Accordingly, Applicant respectfully submits that claim 11 is neither taught nor suggested

by the combination of Weissrich and Caye and is in allowable form. Further, Applicant submits that claims 14-17 are also allowable at least based on their relation to claim 11.

Reconsideration and allowance of all claims, namely claims 1, 4-7, 9, 11-16, and 18-25 are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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